



MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE BANQUETING HALL, MALMESBURY ON WEDNESDAY, 19 SEPTEMBER 2018 AT 11:00

PRESENT:

Executive Mayor, ald T van Essen (chairman)
Deputy Executive Mayor, ald M S I Goliath

Members of the Mayor's Committee:

Clr P E Solomons
Clr O M Stemele
Clr R F van der Westhuizen

Officials:

Municipal Manager, mr J J Scholtz
Director: Civil Engineering Services, mr L D Zikmann
Director: Financial Services, mr M A C Bolton
Director: Development Services, mr J T Steenkamp
Director: Corporate Services, ms M S Terblanche
Director: Electrical Engineering Services, mr R du Toit
Manager: Traffic and Law Enforcement Services, mr R Steyn
Manager: Secretarial and Record Services, ms N Brand

1. OPENING

The chairman welcomed the members and asked the Municipal Manager to open the meeting with a prayer.

2. APOLOGIES

Apologies received from clr M van Zyl and the Speaker, clr M A Rangasamy.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 17 AUGUST 2018

RESOLUTION

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 17 August 2018 are approved and signed by the Mayor.

4.2 MINUTES OF A SPECIAL EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 22 AUGUST 2018

RESOLUTION

That the minutes of a Special Executive Mayor's Committee Meeting held on 22 August 2018 are approved and signed by the Mayor.

4.3 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 12 SEPTEMBER 2018

[Corrections held over at the prerogative of the various committees.]

5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 12 SEPTEMBER 2018

5.1.1 MUNICIPAL MANAGER AND FINANCES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes subject to

ITEM 6.1: CONDITION OF TARRED ROADS IN THE SWARTLAND MUNICIPAL AREA

RESOLUTION [replacement of recommendation]

- (a) That note is taken of the 2017/2018 status quo report in respect of the condition of tarred residential roads in the Swartland municipal area;
- (b) That the survey of all the streets in the Swartland municipal area, in accordance with the *Pavement Management Programme*, is carried out for budget purposes;
- (c) That the streets which must be rehabilitated and streets which must be resealed will be determined in accordance with the survey, for consideration during the 2019/2020 budget process.

5.1.3 ADMINISTRATION, DEVELOPMENT AND SECURITY SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

None

7. NEW MATTERS

7.1 MINUTES OF A PERFORMANCE AND RISK AUDIT COMMITTEE MEETING HELD ON 29 MAY 2018 (5/15/1/3)

The Performance and Risk Audit Committee serves as a fully fledged, independent committee of the Council, and fulfils its function in accordance with the stipulations of article 166 of the Municipal Financial Management Act, 2003.

The minutes of the Municipal Performance and Risk Audit Committee meeting held on 29 May 2018 were circulated with the agenda, and do not contain any recommendations for consideration by the Executive Mayor's Committee.

RESOLUTION that note is taken of the contents of the minutes of a Performance and Risk Audit Committee meeting held on 29 May 2018.

7.2/...

7.2 RECOMMENDATION FOR THE REVISION OF LEGISLATION IN RESPECT OF WARD COMMITTEES AND PUBLIC PARTICIPATION (3/4/4/1)

A request has been received from the Western Cape Department of Local Government: Division Public Participation to carry out a consultation process with ward committees in respect of comment on the possible amendment to the Systems and Structures Act.

The comments received from ward councillors and ward committee members are contained in a report circulated with the agenda.

RESOLUTION

- (a) That cognisance is taken of the request from the Western Cape: Department of Local Government to follow a consultation process regarding inputs to possible amendments to the Systems and Structures Act;
- (b) That further cognisance is taken of the process that was followed to obtain inputs into the review of the legislation;
- (c) That the attached comments on the Review of the Legislative Framework for Ward Committees and Community Participation be approved as the joint effort of roleplayers of Swartland Municipality to be forwarded to the Department of Local Government.

7.3 HUMAN RESOURCES MANAGEMENT PLAN FOR 2017-2022, REVISION FOR 2018 (2/B)

The Human Resources Management Plan (HR plan) for 2017-2022, as approved by the Executive Mayor's Committee on 24 January 2018, must be revised annually.

The aim of the revision is to report on the progress made with reference to the implementation of the HR plan. It is also in order to make adjustments where changes in external and internal circumstances influence the relevance of the HR plan.

RESOLUTION

That the Executive Mayoral Committee approve the 2018 revisions to the Human Resources Plan (2017-2022).

7.4 IDENTIFICATION/APPROVAL OF PREMISES FOR THE NEW HOSPITAL, MALMESBURY (12/2/5/2-8/5)

After discussions with the Department of Health and the Department of Public Works in respect of the identification of premises for a new hospital in Malmesbury confirmation has been received that erf 7456, Malmesbury will be suitable.

The consultation process can therefore now be set in motion in order to inform the broader community, and the report will also be submitted to the next ward committee meetings.

RESOLUTION

- (a) That the proposed site, i.e. Portion A (\pm 3.4 hectares) of Erf 7456, Malmesbury (including various unregistered residential erven) as indicated on **Annexure A** to this report, be supported/endorsed by the Municipality for the future construction of a 130 bed district hospital;
- (b) That this report be submitted in all ward committees for their comments/input;
- (c) That the Department of Health be made aware that the fact that the Municipality is assisting it by disseminating information to the wards committees and by obtaining input during the land use processes, does not absolve it from its responsibility to consult with the community.

7.5 ALIENATION OF IMMOVABLE RESIDENTIAL PROPERTY SITUATED IN GLEN LILY SOUTH, MALMESBURY (12/2/5/4-8/17)

The report circulated with the agenda gives the background in respect of the intention of the Council to alienate property in both Glen Lily North and Glen Lily South, and the processes which have been followed to date.

An information meeting was held on 7 August 2018 which was attended by 80 individuals during which proposed first time buyers were informed in respect of the development of Glen Lily South and asked to register for the auction. 12 registrations were received of whom six persons turned up for the auction on Thursday, 6 September 2018.

RESOLUTION

- (a) That the following offers be adopted and approval be granted that the capital assets (properties) be transferred to the parties as indicated:

Purchaser	Erf nr.	Offer
Thomas Rumboll	10641	R162 000,00
Ammaarah Abrahams	10642	R186 000,00
Zainab Abrahams	10643	R160 000,00
Neale Africa	10673	R164 000,00
Gerswin & Rosell Gail Morris	10718	R160 000,00
Lindon & Kim Ilse Feres	10717	R162 000,00
TOTAL PROCEEDS		R994 000,00

- (b) That cognizance be taken that the purchase price includes (1) land value, (2) transfer fees, (3) clearance certificate costs and (4) 15% VAT;
- (c) That the Director: Corporate Services be authorized to sign the Offers to Purchase (which constitute deeds of sale once accepted by the Municipality) on behalf of the Municipality;
- (d) That a further public auction be held to invite bids from interested parties for the 31 remaining erven in Glen Lily South, and the Municipal Manager be authorized to determine the processes to be followed in this regard, as well as the conditions of sale.

7.6 TENDER L08.17.18: ALIENATION OF RESIDENTIAL ERWEN IN MALMESBURY (12/2/B)

In April 2018 the Council approved the alienation of various residential properties which have been vacant for some time. Approval was also given for the reserve price of the relevant erven to be 70% of the municipal valuation, in an attempt to afford first time buyers in the so-called "GAP" category, the opportunity to enter the property market.

A competitive process by means of the invitation to tender was followed and monetary bids on all the properties were received for consideration.

RESOLUTION

- (a) That Tender L08.17.18 for the Sale of Residential Sites be awarded as follows:

Table/...

7.6/...

<i>Erf nr</i>	3109	10388	10335	10354	10357
Reserve Price	R 136 150.00	R 89 250.00	R 102 900.00	R 87 850.00	R 87 500.00
L Njengaye		R 150 000.00			
NC Shiceka			R 160 000.00		
N Mohamed	R 200 000.00				
T Nogqala				R 152 000.00	
N Mafenuka					R 135 000.00

- (b) That approval be granted for the transfer of the erven as per the aforesaid schedule;
- (c) That should any of the approved transactions not realise, approval be granted to accept the next highest bid, until a sales transaction can be concluded successfully;
- (d) That approval be granted that should the properties remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve prices as aforementioned, provided that the Municipality shall make known its intention to sell the erven out-of-hand from a given date, and further provided that the sale of such properties shall be limited to one erf per purchaser and the reservation of properties for a specific purchaser shall be limited to a period of one calendar month.

7.7 COMMENTS IN RESPECT OF THE PROPOSED OUT-OF-HAND ALIENATION OF A PORTION OF ERF 495, YZERFONTEIN (15/3/3-14)

In May 2018 the Council approved the out-of-hand alienation of erf 495, Yzerfontein (107 m² in extent) to the adjoining owner, *Blue Moontlight 61 Pty Ltd*, for consolidation with erf 115, Yzerfontein.

One of the conditions of the alienation was that a public participation process was to be followed and that if any comments were received, they would have to be considered by the Executive Mayor. Comments were received from two objectors and were fully explained in the report.

RESOLUTION

- (a) Regarding the letter by the Thor Halvorsen Familie Trust:
- (i) That the purchase price as determined by the Council on 30 May 2018 be maintained for the disposal of a portion of Erf 495, Yzerfontein (107 m² in extent) to *Blue Moonlight 61 Pty Ltd*, for the following reasons:
- Said portion of Erf 495 is redundant road reserve with a nominal rand value;
 - The land, as a result of consolidation with Erf 115, shall yield a market related income for the Municipality as soon as improvements on the consolidated property is assessed (and subsequently rated) in a supplementary valuation;
- (ii) That the objector be notified accordingly and also be informed of the conditions of the transaction as referred to in paragraph 1.3 (ii) & (iii) above;
- (b) Regarding the letter from Mr W J Smit:

That the comments by the various departments as contained in this report be approved and be put in writing in response to Mr Smit's letter;

7.7/...

- (c) That approval be granted for the transfer of the capital asset (portion Erf 495) to *Blue Moonlight 61 Pty Ltd.*

7.8 RIVERLANDS 36 HOUSING PROJECT (PHASE 2): LIST OF BENEFICIARIES (12/2/B)

The Riverlands Housing Project Phase 2 could not be completed during the original implementation of the housing project, because 14 erwen (phase 2) were not yet serviced.

During 2016/2017 the Municipality installed the necessary services to their own cost, to the value of R 835 391,00, and the relevant properties can now be transferred to the beneficiaries.

In May 2018 the Council decided, inter alia, that the properties could only be alienated to the existing occupants (provided that they qualified as first time buyers) and to qualified beneficiaries according to the Riverlands housing waiting list, but with the proviso that the particulars of the identified beneficiaries are submitted to the Council for approval.

RESOLUTION

- (a) That Council approves the attached list of beneficiaries for the Riverlands Housing Project Phase 2.
- (b) That the Housing Division be tasked to assist the beneficiaries concerned to apply for subsidies under the individual housing scheme of the Department Human Settlements and to provide guidance to those who, based on their income, will have to apply for private financing.

7.9 DEVIATION FROM ERF BOUNDARY: ERF 241, MOORREESBURG (15/3/1)

The Building Management Division is at present considering a building plan which has been received for extensions to the existing residence on erf 241, situated on corner of Tuin and Plein Streets, Moorreesburg.

The new owner has erected a boundary wall in line with those of the other properties in the relevant street, which already infringe on the pavement.

The infringement is on the road reserve portion (± 85 m² in extent).

RESOLUTION

- (a) That approval be granted that the encroachment agreement as per Annexure B be concluded with Mr W P Moore, owner of erf 241, Moorreesburg, for a period of ten years, at the amount of R100,00 plus VAT per annum;
- (b) That affected owners in the area be notified of the particulars of the encroachment, and the Director: Development Services be mandated to deal with any comments and/or objections which may be received.

7.10 BID TO BUY BACK ERF 10395, MALMESBURY (12/2/5/4-8/16)

Erf 10395 was sold to A H B Potgieter in March 2007 during a so-called 'pre launch' auction of 65 residential properties in Dalsig.

A pre-emptive right exists on the erf, as explained in the report, and the owner has requested permission from the Municipality, through the lawyers Lionel Frank & Sons, to effect transfer of the erf to a private buyer.

Resolution/

7.10/...

RESOLUTION

- (a) That, as was done in respect of previous applications, the pre-emptive right in respect of erf 10395 Malmesbury be waived by the Municipality, due to the fact that the owner has already identified a willing buyer, and no budgetary provision has been made in this regard;
- (b) That Mr AHB Potgieter consequently be granted approval to dispose of erf 10395, Malmesbury through private transaction;
- (c) That the Municipal Manager be authorized to deal with applications for waiver of the Municipality's pre-emptive right in respect of vacant properties located in Dalsig, provided that he reports to the mayoral committee to take cognizance of each case that has been dealt with.

7.11 LEASE AGREEMENT: MALMESBURY BOWLING CLUB (17/9/2/R)

The Council leases the Malmesbury Bowling facilities to the Malmesbury Bowling Club on an annual basis.

The lease agreement expires on 30 September 2018.

RESOLUTION

- (a) That a lease agreement be entered into with the Malmesbury Bowling Club (i.r.o. the bowls facilities) for the lease of the facilities for a period of 12 months;
- (b) That the rental be R120.00 plus VAT, per annum;
- (c) That the current conditions of lease remain applicable.

7.12 LEASE AGREEMENT: ABBOTSDALE CHRISTIAN FELLOWSHIP (17/9/2/R)

The Council owns a container situated on erf 213 Abbotsdale, which is not at present in use. An application has been received from the Christian Fellowship to make use of the container for youth activities.

RESOLUTION

- (a) That a lease agreement be entered into with the Abbotsdale Christian Fellowship for the use of the container, situated at erf 213 Abbotsdale, for a period not exceeding 12 months;
- (b) That a nominal lease tariff of R120.00 (plus VAT) per month, be charged;
- (c) That no upgrading will be done by Swartland Municipality to improve the condition of the container and no furniture or other equipment will be supplied.

7.13 OUTSTANDING DEBTORS: AUGUST 2018 (5/7/1/1)

A complete report in respect of outstanding debtors was circulated with the agenda.

RESOLVED that cognizance is taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for August 2018.

7.14 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLVED that cognizance is taken of the report in respect of outstanding insurance claims for the period ending August 2018.

7.15 EXTENSION TO THE DECLARATION OF A LOCAL DISASTER WITHIN THE BOUNDARIES OF THE SWARTLAND MUNICIPALITY: FIRE AT THE SWARTLAND HOSPITAL (17/5/1/1)

The declaration of the Swartland Hospital as a local disaster was promulgated in Provincial Gazette, No 7785 of 23 June 2017 in conjunction with the relevant Provincial Departments and the West Coast District Municipality.

The declaration was valid for a period of three months, whereafter it must be extended on a monthly basis.

RESOLUTION

- (a) That the Mayor in terms of section 55 (5)(c) of the Disaster Management Act, 57 of 2002 as a result of the devastating fire at the Swartland Hospital herewith extend the declaration of a local disaster within the Swartland Municipality from 30 September 2018 to 30 October 2018;
- (b) That Swartland Municipality requests the West Coast District Municipality to support the extension of the local state of disaster;
- (c) That the approved extension of the declaration be sent to the Provincial Government for publication in the next Provincial Gazette.

**(SGD) T VAN ESSEN
EXECUTIVE MAYOR**